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EXAMINER

DURAN, ARTHUR D

ART UNIT PAPER NUMBER

3622

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/821,259

**Applicant(s)**

ISHIKAWA, MARK M.

**Examiner**

Arthur Duran

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 14-33 have been examined.

***Response to Amendment***

2. The Amendment filed on 3/17/2006 is insufficient to overcome the prior rejection.

***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/17/2006 has been entered.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 26 recites the limitation "user identification code". There is insufficient antecedent basis for this limitation in the claim. The feature should have read "computer identification code". Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14-21 and 23-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angles (5,933,811) in view of Gerace (5,848,396) in view of Messer (2004/0230491).

Claim 14-16, 18-21, and 23-33: Angles discloses a method, system for authenticating the distribution of an advertisement for data and a request for the data in response to the advertisement on a network having at least one user computer and one provider computer, wherein the response to the advertisement is preceded by the distribution of the advertisement to the user computer from an advertiser, comprising:

creating a confirmation code upon the transmission of the advertisement to the user computer; wherein the confirmation code comprises a first user code (col 3, lines 17-29; col 8, lines 8-16);

associating the confirmation code with the advertisement (col 19, lines 7-11);

transmitting a request from the user computer for the data identified in the advertisement to the provider computer (col 20, lines 16-26);

transmitting a second user information piece generated by the transmission protocols to the provider computer (col 20, lines 47-57; col 7, lines 10-42);

transmitting the confirmation code to the provider computer (col 8, lines 7-15);

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determining the authenticity of the data request from the user (col 22, lines 41-50).

Angles further discloses a data interface (col 3, lines 24-30; col 20, lines 16-26).

Additionally, the above features are disclosed in the Figures (Fig. 1, Fig. 4, Fig. 7, Fig. 11).

Angles further discloses preassigning a content provider code (col 3, lines 30-40) and uniquely identifying an advertiser (col 21, lines 5-25; col 25, lines 5-8).

Angles does not explicitly disclose that the second user information piece are codes.

However, Angles discloses that the second user information is categorized and grouped (col 20, lines 53-60) and Angles discloses utilizing codes (col 3, lines 23-26).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Angles's information that is to be grouped and categorized can be in the form of codes. One would have been motivated to do this in order to provide the information in a form that is easily transmittable and easily grouped or categorized.

Also, Angles discloses both a special software data interface (col 3, lines 24-30) and a browser data interface (col 1, lines 45-55; col 4, lines 26-35). Angles discloses creating identifying indicia upon user registration (col 17, lines 10-25) and creating identifying indicia upon providing a specialized data interface (col 3, lines 20-30). Angles discloses that the user computer generates codes for identifying which advertisements from the user computer were viewed or not (Fig. 4, item 12; Fig. 11, item 12; col 19, lines 1-11). Angles uniquely identifies each advertisement that the user views or requests to view (col 20, lines 15-37). Angles uniquely identifies a variety of the actions taken or information displayed by or to the user (col 19, lines 1-11). Angles uniquely identifies when an advertisement is sent to the user, uniquely identifies

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when a link is provided to the user for clicking on to see an advertisement, and uniquely identifies when the user requests to see that advertisement. Angles was combined with itself to demonstrate that codes can be utilized for these uniquely identified actions and information transmission back and forth.

Additionally, Angles discloses providing a data interface to a user where the data interface is predefined data such as product or service information (col 1, lines 6-12; col 2, lines 19-41).

Angles discloses targeting a user (col 2, lines 28-42).

Angles does not explicitly disclose tracking the time of different user actions.

However, Gerace discloses providing a data interface to a user where the data interface is predefined data such as product or service information (col 2, lines 24-42).

Gerace discloses targeting a user (col 2, lines 30-35).

Gerace discloses identifying the user computer via user computer ID (Fig. 3D), uniquely identifying each user and user session via referring link, start time, end time, computer ID, etc (Fig. 3E), uniquely identifying all user activity (Fig. 3F; Fig. 3G), and uniquely identifying an advertiser and the advertisements that the advertiser provides (Fig. 5a; Fig. 5D).

Gerace further discloses dynamic generating of identifying indicia, that identifiers can utilize IP address and/or time stamps, that there are identifying indicia comprising user identification code and the advertiser code; and Gerace also discloses a second user identification code sent to the provider computer from the user computer, wherein said second user identification code comprises current user information to identify the user. . .such as user's IP address, time stamp, etc:

“(20) Also the Sponsor and User Objects track how many times each piece of advertisement information is shown to, is selected by and/or spawns a purchase by users. In other words, the Sponsor and User Objects track performance of sponsor provided information, especially advertisements. In the preferred embodiment, a performance routine employs regression techniques to provide performance reports. The performance routine may also be run (executed) remotely by suppliers of the advertisement information (col 3, lines 10-20);

(5) In addition, program 31 records the user's selections and his viewing activity with respect to the agate information. In particular, for each piece of displayed agate information, program 31 records the date and time of user viewing and the format which the user has selected for viewing (col 4, lines 10-15);

(21) Each time a user logs on to program 31, User Session Object 37d records the starting date and time and ending date and time of the session. User Session Object 37d also records (a) the referring link from which the user accessed program 31 (e.g., a so called "bookmark" or "hyperlink" which effectively stores and forwards the Web site address of program 31), (b) the user's identification number (e.g., as stored in a so called "cookie" passed by the user's computer upon logging in), and (c) an indication of Web browser software employed by the user's computer. FIG. 3e illustrates the records created by User Session Object 37d to accommodate the foregoing data;

(22) The User Action History Object 37e stores each click of a mouse and corresponding cursor position to effectively record the user's motions/movements in a session. In particular, as illustrated in FIG. 3f, User Action History Object 37e records (a) date and time of action, (b) session identifier (indicating in which session of the User Session Object 37d the

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subject action occurred), (c) sequence or order number of the action in the series of actions that occurred in a common session, (d) identification of screen view displayed at time action occurred, (e) identification of item selected by user (via click of mouse with cursor positioned on item), and (f) screen position of selected item (e.g., first, second or third menu item, right or left side);

(23) The User Viewing History Object 37f stores information indicative of the screen views displayed to the user in a session. Specifically, User Viewing History Object 37f records an item identification (either agate or advertisement) and orientation of that item for each item displayed to (and hence viewed by) the user in a session. Orientation is noted relative to a page/screen view or an object identified in the "related object ID" field of the User Viewing History Object 37f. Preferably, orientation is indicated as being top, bottom, left, right or background of the screen view. The Viewing History Object 37f also records an identifier (of each screen view), ordinal sequence number (number order of screen view within series of screen views displayed in a session), and an indication of the action from which this screen view resulted (i.e., a reference to a corresponding User Action History Object 37e). Lastly, the User Viewing History Object 37f records date and time of screen opening and closing for each screen view. The foregoing is stored in an object table record illustrated in FIG. 3g (col 6, line 45-col 7, line 22);

(50) For each sponsor (or advertiser), a corresponding Sponsor Object 33a (FIG. 5a) stores in a table (or sponsor directory) the company name, numeric identification unique to that sponsor, user contact information and program 31 administrator contact information. Also Sponsor Object 33a records an indication of the demographic profile of the sponsor company



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itself in order to advertise to the sponsor company user as is appropriate. Further, Sponsor Object 33a indicates standardized report configurations (display preferences, etc.) for that sponsor (col 11, line 64-col 12, line 6);

(63) For a new user, the Home Page 43 effectively requests a user name and password. In response to the user-provided data, main routine 39 immediately builds a cookie if possible. Included in the newly built cookie is a unique user identification code (preferably numeric), time and date of login, and computer identification number to distinguish between home and work logins. Main routine 39/server 27 transmits the created cookie to the user's PC for storage and future use" (col 13, line 61-col 14, line 4).

Note that in Gerace that identifiers are dynamically created and utilized for identifying and tracking the user, to identify the user, the user's actions, the computer ID, the session ID, the advertiser involved, the advertisements involved, the time and date of actions.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Gerace's further identifying, tracking, and targeting features to Angles' targeting capabilities. One would have been motivated to do this in order to better target the user.

Additionally, Angles discloses an audit information and an accounting database for tracking a variety of parameters concerning user requests for information (col 15, line 65-col 16, line 15; col 18, line 60-col 19, line 11; col 21, lines 5-25) .

While Angles discloses tracking requests for information, Angles does not explicitly disclose tracking invalid requests for information.

However, Messer discloses tracking and auditing user requests for information:

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“[0004] It is an object of the present invention to provide a data processing system for tracking, managing, and auditing select transactions between a plurality of computer workstations interconnected via a common network.

[0013] In order to accomplish these and other objects, the present invention includes a data processing system designed and configured to operate on one or more servers interconnected for communication. The data processing system includes a Clearinghouse server programmed to track, manage, and audit associated transactions of Users clicking-through an Content Provider web site and purchasing a product or service from a Merchant. The Clearinghouse server is also programmed to track and report on the level of activity associated with the Users and produce, on a periodic basis, accounting statements for the participants directed to the transactions that have transpired during the defined period”.

Messer further discloses tracking both valid and invalid information requests in order to improve commerce on the web:

“[0002]. . .More specifically, the present invention relates to a referral tracking and control system for promoting goods and services on a wide area, public or private access network, such as the Internet .

[0003] As discussed in more detail in the above-referenced parent cases, the present invention includes the ability to track select USER activity while on the Web including interactions with Web pages and click-through navigation to select Web sites where purchases can be executed. Notwithstanding these

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advancements and advantages, commerce on the web can still be improved upon.

Recognizing some of the current difficulties in implementing affiliate programs has led to the innovations presented herein.

[Abstract] An improved processing system for tracking commerce on the Internet provides for subvariable processing and includes web page scanning to discern fraud or improper content to insure proper promotion of select products within the network environment” (Abstract).

Messer further discloses determining invalid requests for information and tracking invalid requests for information, and utilizing a database and reporting for invalid requests for information:

“[0006] It is still another object of the present invention to provide a vehicle for the detection of affiliate sponsored fraud; exemplary fraud of concern includes use of a process that employs a Javascript to artificially multiply the number of clicks, impressions and/or sales on a banner or similar promotional piece.

[0026]. . .In its preferred embodiments, the server is configured with a UNIX operating system. Database management software utilizing Oracle.RTM. on an Apache.RTM. Webserver is configured for the specific operating system environment. As discussed below, the Clearinghouse is further equipped to deter fraud and other non-productive activity.

[0036] Turning now to FIG. 2, a high level flow chart depicts the programming logic for detecting click fraud. Logic begins at start block 200 and the

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system at block 210, pulls and enters the next web page in sequence. With the large number of affiliate web pages makes a sequential review perhaps too involve. Accordingly, the system may use a number of sampling techniques, that provide some policing capability. In this way, counter variable I increments the sampled pages and sends these to the scanning program block 220.

[0037] . . . If this test is also positive, the system generates a report, positively identifying the page as a potential source of click fraud., block 250. Logic then continues at 260.

[0038] In addition to the Javascript detection algorithm, the system further tracks potential click fraud by assessing historical patterns of commerce. For example, if a click-through includes the same ID, the system measures the interval between successive clicks. A relatively fast click speed, or multiple clicks at a uniform interval reflects the possibility that the click is machine generated and potentially fraudulent. Other patterns may give further details, such as large jumps in traffic from individual sites.

[0039] For large scale burst traffic generated from a single or a grouped IP address, within a short interval, the apache server of the Clearinghouse is programmed to block such traffic from hitting the database of the ad servers, thus defending the Clearinghouse server from certain types of DOS (denial of service) attacks. Based on these types of detected activity, the system will create a report and trigger further and more comprehensive evaluations”.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Messer’s auditing both valid and invalid requests for information to Angles’ auditing requests for information. One would have been motivated to do this in order

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to provide prevent fraud, provide better auditing and tracking of information requests, and to provide better commerce on the web.

Messer further discloses utilizing encryption (Paragraph 0032).

Also, Angles further discloses determining the authenticity of the data request further comprises comparing a portion of the identifying indicia and the second user code (col 22, lines 41-50; col 20, lines 47-57; col 11, lines 11-25).

Angles does not explicitly disclose an advertiser code.

However, Angles discloses a content provider code (col 3, lines 30-40) and uniquely identifying an advertiser (col 21, lines 5-25; col 25, lines 5-8).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Angle's identity identifying codes to Angle's uniquely identifying and advertiser. One would have been motivated to do this in order to provide an effective way to uniquely identify an advertiser.

Angles further discloses creating of a confirmation code comprises dynamically generating the first user code and combining the first user code and advertiser code (col 19, lines 1-11).

Angles further discloses that the user computer and provider computers operate in accordance with transmission protocols, and further comprising dynamically generating the second user code via the transmission protocols (col 7, lines 10-42; col 22, lines 41-50; col 20, lines 47-57; col 11, lines 11-25).

Angles further discloses comparing, on the provider computer, a portion of the identifying indicia with the second user code to determine a degree of match; and

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providing, from the provider computer, information regarding the degree of match determined by comparing the portion of the identifying indicia and second user code (col 22, lines 41-50; col 20, lines 47-57; col 11, lines 11-25; col 11, lines 20-25).

Angles further discloses storing the advertiser code in a database in association with the advertiser (col 21, lines 5-25).

Additionally, Angles discloses utilizing cookies, that cookies can be utilized for identification purposes, that cookies can uniquely identify a computer, that cookies can be set to work for only certain URL addresses, that cookies can be set to expire, that identifiers and preferences can be stored locally:

“(25) Persistent Client State Cookies (Cookie). A file stored on the client computer which contains information such as user names and preferences. In the preferred embodiment, the Cookie in the consumer computer stores a member code which uniquely identifies each consumer. The specification for Cookies can be found at <http://www.netscape.com/newsref/std/cookie.sub.--spec.html> (col 6, lines 59-65);

(55) A "cookie" is a small piece of information which a web server (via a CGI script) can store with a web browser and later read back from that browser. This is useful for having the browser remember some specific information across several pages; for example, when the consumer browses through a "virtual shopping mall" and add items to his "shopping cart," a list of the items he has picked up is kept in the consumer browser's cookie file so that the consumer can pay for all the items at once he has finished shopping.

(56) To create a cookie, a web server sends a "Set-Cookie" HTTP header line

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in response to a URL access from a browser:

(57) Set-Cookie: NAME=VALUE; expires=DATE; path=PATH;

domain=DOMAIN.sub.-- NAME; secure

(58) NAME and VALUE are the actual information to include in the cookie.

DATE is the time at which the cookie information expires and will be

"forgotten" by the browser. DOMAIN is a host or domain name for which the

cookie is valid. PATH specifies a subset of the URLs at that server for which

the cookie is valid. If "secure" is included in the cookie, then the cookie

will only be transmitted over a secure network connection. All of these fields

except NAME=VALUE are optional.

(59) Whenever the browsing software sends a HTTP request for a URL on a server for which it has stored cookies, it includes a line in the form: Cookie:

NAME=VALUE; NAME=VALUE; . . . which lists all cookies that apply to that

particular URL. The following is a sample CGI program (a Unix shell script)

that sends a cookie to a particular URL.

(62) echo "Set-cookie: codeno=12345A; expires=Thursday, Jan. 1, 1998-12:00:00 GMT"" (col 11, lines 5-40) .

Angles further discloses tracking and targeting users based on specific advertisement response:

"The advertisement provider computer also credits a consumer account, a content provider account and an internet provider account each time a consumer views a custom

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advertisement. Furthermore, the advertisement provider computer tracks consumer responses to the customized advertisements' (Abstract).

Angles does not explicitly disclose dynamically generated Ids for each time a piece of content is sent to a specific user.

However, Gerace discloses different codes/ids that are generated to track each user, each computer, each session, each screen view, each presented page, and each piece of content that is presented to the specific user (Figures 3b, 3d, 3e, 3f, 3g, 4b, 5c, 5d; items in these figures labeled 'user identifiers', 'user computer id', 'computer id', 'session id', 'page id', 'ID', 'ordinal sequence identifier', 'item id', 'page id', 'package id', 'series id'; and below citations):

“(5) In addition, program 31 records the user's selections and his viewing activity with respect to the agate information. In particular, for each piece of displayed agate information, program 31 records the date and time of user viewing and the format which the user has selected for viewing. After multiple sessions, a pattern of the user's viewing actions or viewing habits is obtained, from the recorded activity (col 4, lines 10-20).

(20) The history of user activity with executed program 31 is also maintained by the set of User Objects 37 (FIG. 3a). Specifically for each user, a User Session Object 37d, User Action History Object 37e and User Viewing History Object 37f record the following as illustrated in FIGS. 3e-3g.

(21) Each time a user logs on to program 31, User Session Object 37d records the starting date and time and ending date and time of the session. User Session Object 37d also records (a) the referring link from which the user



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accessed program 31 (e.g., a so called "bookmark" or "hyperlink" which effectively stores and forwards the Web site address of program 31), (b) the user's identification number (e.g., as stored in a so called "cookie" passed by the user's computer upon logging in), and (c) an indication of Web browser software employed by the user's computer. FIG. 3e illustrates the records created by User Session Object 37d to accommodate the foregoing data.

(22) The User Action History Object 37e stores each click of a mouse and corresponding cursor position to effectively record the user's motions/movements in a session. In particular, as illustrated in FIG. 3f, User Action History Object 37e records (a) date and time of action, (b) session identifier (indicating in which session of the User Session Object 37d the subject action occurred), (c) sequence or order number of the action in the series of actions that occurred in a common session, (d) identification of screen view displayed at time action occurred, (e) identification of item selected by user (via click of mouse with cursor positioned on item), and (f) screen position of selected item (e.g., first, second or third menu item, right or left side).

(23) The User Viewing History Object 37f stores information indicative of the screen views displayed to the user in a session. Specifically, User Viewing History Object 37f records an item identification (either a gate or advertisement) and orientation of that item for each item displayed to (and hence viewed by) the user in a session. Orientation is noted relative to a

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page/screen view or an object identified in the "related object ID" field of the User Viewing History Object 37f. Preferably, orientation is indicated as being top, bottom, left, right or background of the screen view. The Viewing History Object 37f also records an identifier (of each screen view), ordinal sequence number (number order of screen view within series of screen views displayed in a session), and an indication of the action from which this screen view resulted (i.e., a reference to a corresponding User Action History Object 37e). Lastly, the User Viewing History Object 37f records date and time of screen opening and closing for each screen view. The foregoing is stored in an object table record illustrated in FIG. 3g (col 6, line 40-col 7, line 25);

(75). . . Next program 31 registers the user's activity with the User Interface Object 37c, User Session Object 37d, and User Viewing History Object 37f corresponding to that user. Also User Viewing History Object 37f records open and leave times for the first screen view ("Quick Quotation Page" of user-specified company) and notes indications of what elements were displayed in that view to the user. Lastly, an additional "hit" is recorded in the Ad Package Object 33b for the advertisements displayed to the user"" (col 15, lines 47-56).

Note in Gerace that each ID is generated when needed. That is, a new session id is generated for each new session. A new page ID is generated for each new page presented. And, a new time stamp for each piece of content that is presented is generated at the time when the piece of content is presented (Gerace, col 4, lines 10-20). Hence, each piece of content presented to the user can be correlated with the content ID, page ID, ordinal sequence ID,

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computer ID, session ID, time stamp ID, etc for when that particular piece of content was presented to that specific user. And, particularly, the time stamp for each piece of content is generated when a piece of content is presented can act as an identification code.

Gerace further discloses different ids/codes for tracking and that user identification information and/or user preference information can be presented to the user computer:

“(61) Stored locally on a user's PC is a cookie (technology by Digital Equipment Corp.) for identifying the user and his preferences (col 13, lines 35-40);

(63)...Included in the newly built cookie is a unique user identification code (preferably numeric), time and date of login, and computer identification number to distinguish between home and work logins. Main routine 39/server 27 transmits the created cookie to the user's PC for storage and future use (col 13, lines 65-col 14, line 5).

(65) Program 31 also creates a new User Object 37a, User Computer Object 37b, User Interface Object 37c, User Session Object 37d, User Action History Object 37e and User Viewing History Object 37f for the new user. User Object 37a records the user-provided name and password used to create the cookie. User Session Object 37d records the login time. User Action History Object 37e records the selection activity of the user. The User Viewing History Object 37f also registers the open and leave times for the initial login advertisement screen view and notes what elements were displayed at that time. Also the Ad Package Object 33b responsible for the initial login advertisement screen view records a "hit" by the new user” (col 14, lines 10-25).

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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Gerace's dynamic identifiers related to content provided to a user to Angle's identifiers and preference information and targeting of content. One would have been motivated to do this in order to better present content of interest to the user.

Claim 17: Angles further disclose utilizing wireless communications (col 9, lines 25-35).

5. Claims 21, 22, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angles (5,933,811) in view of Gerace (5,848,396) in view of Messer (2004/0230491) in view of Herz (2001/0014868 ).

Claims 21, 22, and 29: Angles, Gerace and Messer disclose the above invention.

Angles further discloses utilizing secure communications (col 11, lines 17-26).

Angles does not explicitly disclose utilizing different encryption standards for secure communications.

However, Messer further disclose utilizing encryption (Para 0032).

And, Herz further discloses utilizing different encryption standards for secure communications (Paragraph 287).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Messer and Herz utilization of encryption to Angles' secure communications. One would have been motivated to do this in order to provide standard and readily available technical capabilities for secure communications.

***Response to Arguments***

6. Applicant's arguments with respect to claims 14-33 have been considered but are not found persuasive.

In regards to claims 14 and 26, Examiner notes that the features in the preamble have not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Examiner further notes that it is the Applicant's claims as stated in the Applicant's claims that are being rejected with the prior art. Also, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). And, Examiner notes that claims are given their broadest reasonable construction. See *In re Hyatt*, 211 F.3d 1367, 54 USPQ2d 1664 (Fed. Cir. 2000).

Examiner's Specification states many forms for the dynamically generated user identification. For example, Applicant's Specification states:

“[0044] The dynamically generated user identification code 34 can be any indicia which uniquely identifies the user and can be verified by the merchant. The identifying indicia generator 24 generates the user identification at the time that the advertisement or link is displayed, or loaded onto the user's computer

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14, for instance, at the time that the advertisement or link is generated on a user's web page. In one preferred embodiment, the user identification comprises the user's IP address, wherein the IP address is derived via standard transmission protocols. In other embodiments, the user identification code 34 can be a time stamp, or any combination, including, but not limited to, a user IP address and a time stamp.”

Hence, while the user identification code is dynamically generated, it is not necessarily unique as the user can use the same IP address at different times. That is, the same IP address can be regenerated numerous times.

On page 12 of the Applicant's Amendment dated 3/17/2006, Applicant states, “In fact, each reference ‘teaches away’ from the dynamic generation of a unique computer identification code when the data interface is provided to the computer system as recited in claims 14-33. .Angles et al. and Gerace respectively disclose a static member code and user identification code that are generated prior to providing the user with any viewing content and that remains unchanged as viewing content is subsequently provided to the user.”

However, Angles discloses utilizing cookies, that cookies can be utilized for identification purposes, that cookies can uniquely identify a computer, that cookies can be set to work for only certain URL addresses, that cookies can be set to expire, that identifiers and preferences can be stored locally:

“(25) Persistent Client State Cookies (Cookie). A file stored on the client computer which contains information such as user names and preferences. In the preferred embodiment, the Cookie in the consumer computer stores a member code

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which uniquely identifies each consumer. The specification for Cookies can be found at <http://www.netscape.com/newsref/std/cookie.sub.--spec.html> (col 6, lines 59-65);

(55) A "cookie" is a small piece of information which a web server (via a CGI script) can store with a web browser and later read back from that browser. This is useful for having the browser remember some specific information across several pages; for example, when the consumer browses through a "virtual shopping mall" and add items to his "shopping cart," a list of the items he has picked up is kept in the consumer browser's cookie file so that the consumer can pay for all the items at once he has finished shopping.

(56) To create a cookie, a web server sends a "Set-Cookie" HTTP header line in response to a URL access from a browser:

(57) Set-Cookie: NAME=VALUE; expires=DATE; path=PATH;  
domain=DOMAIN.sub.-- NAME; secure

(58) NAME and VALUE are the actual information to include in the cookie. DATE is the time at which the cookie information expires and will be "forgotten" by the browser. DOMAIN is a host or domain name for which the cookie is valid. PATH specifies a subset of the URLs at that server for which the cookie is valid. If "secure" is included in the cookie, then the cookie will only be transmitted over a secure network connection. All of these fields except NAME=VALUE are optional.

(59) Whenever the browsing software sends a HTTP request for a URL on a server for which it has stored cookies, it includes a line in the form: Cookie:

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NAME=VALUE; NAME=VALUE; . . . which lists all cookies that apply to that particular URL. The following is a sample CGI program (a Unix shell script) that sends a cookie to a particular URL.

```
(62) echo "Set-cookie: codeno=12345A; expires=Thursday, Jan. 1,  
1998-12:00:00 GMT"" (col 11, lines 5-40) .
```

Angles further discloses tracking and targeting users based on specific advertisement response:

“The advertisement provider computer also credits a consumer account, a content provider account and an internet provider account each time a consumer views a custom advertisement. Furthermore, the advertisement provider computer tracks consumer responses to the customized advertisements’ (Abstract).

Angles does not explicitly disclose dynamically generated Ids for each time a piece of content is sent to a specific user.

However, Gerace discloses different codes/ids that are generated to track each user, each computer, each session, each screen view, each presented page, and each piece of content that is presented to the specific user (Figures 3b, 3d, 3e, 3f, 3g, 4b, 5c, 5d; items in these figures labeled ‘user identifiers’, ‘user computer id’, ‘computer id’, ‘session id’, ‘page id’, ‘ID’, ‘ordinal sequence identifier’, ‘item id’, ‘page id’, ‘package id’, ‘series id’; and below citations):

“(5) In addition, program 31 records the user's selections and his viewing activity with respect to the agate information. In particular, for each piece of displayed agate information, program 31 records the date and time of user viewing and the format which the user has selected for viewing. After multiple



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sessions, a pattern of the user's viewing actions or viewing habits is obtained, from the recorded activity (col 4, lines 10-20).

(20) The history of user activity with executed program 31 is also maintained by the set of User Objects 37 (FIG. 3a). Specifically for each user, a User Session Object 37d, User Action History Object 37e and User Viewing History Object 37f record the following as illustrated in FIGS. 3e-3g.

(21) Each time a user logs on to program 31, User Session Object 37d records the starting date and time and ending date and time of the session. User Session Object 37d also records (a) the referring link from which the user accessed program 31 (e.g., a so called "bookmark" or "hyperlink" which effectively stores and forwards the Web site address of program 31), (b) the user's identification number (e.g., as stored in a so called "cookie" passed by the user's computer upon logging in), and (c) an indication of Web browser software employed by the user's computer. FIG. 3e illustrates the records created by User Session Object 37d to accommodate the foregoing data.

(22) The User Action History Object 37e stores each click of a mouse and corresponding cursor position to effectively record the user's motions/movements in a session. In particular, as illustrated in FIG. 3f, User Action History Object 37e records (a) date and time of action, (b) session identifier (indicating in which session of the User Session Object 37d the subject action occurred), (c) sequence or order number of the action in the series of actions that occurred in a common session, (d) identification of

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screen view displayed at time action occurred, (e) identification of item selected by user (via click of mouse with cursor positioned on item), and (f) screen position of selected item (e.g., first, second or third menu item, right or left side).

(23) The User Viewing History Object 37f stores information indicative of the screen views displayed to the user in a session. Specifically, User Viewing History Object 37f records an item identification (either a game or advertisement) and orientation of that item for each item displayed to (and hence viewed by) the user in a session. Orientation is noted relative to a page/screen view or an object identified in the "related object ID" field of the User Viewing History Object 37f. Preferably, orientation is indicated as being top, bottom, left, right or background of the screen view. The Viewing History Object 37f also records an identifier (of each screen view), ordinal sequence number (number order of screen view within series of screen views displayed in a session), and an indication of the action from which this screen view resulted (i.e., a reference to a corresponding User Action History Object 37e). Lastly, the User Viewing History Object 37f records date and time of screen opening and closing for each screen view. The foregoing is stored in an object table record illustrated in FIG. 3g (col 6, line 40-col 7, line 25);

(75). . . Next program 31 registers the user's activity with the User Interface Object 37c, User Session Object 37d, and User Viewing History Object 37f corresponding to that user. Also User Viewing History Object 37f records open and leave times for the first screen view

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("Quick Quotation Page" of user-specified company) and notes indications of what elements were displayed in that view to the user. Lastly, an additional "hit" is recorded in the Ad Package Object 33b for the advertisements displayed to the user"" (col 15, lines 47-56).

Note in Gerace that each ID is generated when needed. That is, a new session id is generated for each new session. A new page ID is generated for each new page presented. And, a new time stamp for each piece of content that is presented is generated at the time when the piece of content is presented (Gerace, col 4, lines 10-20). Hence, each piece of content presented to the user can be correlated with the content ID, page ID, ordinal sequence ID, computer ID, session ID, time stamp ID, etc for when that particular piece of content was presented to that specific user. And, particularly, the time stamp for each piece of content is generated when a piece of content is presented can act as an identification code.

Gerace further discloses different ids/codes for tracking and that user identification information and/or user preference information can be presented to the user computer:

“(61) Stored locally on a user's PC is a cookie (technology by Digital Equipment Corp.) for identifying the user and his preferences (col 13, lines 35-40);

(63)...Included in the newly built cookie is a unique user identification code (preferably numeric), time and date of login, and computer identification number to distinguish between home and work logins. Main routine 39/server 27 transmits the created cookie to the user's PC for storage and future use (col 13, lines 65-col 14, line 5).

(65) Program 31 also creates a new User Object 37a, User Computer Object 37b,

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User Interface Object 37c, User Session Object 37d, User Action History Object 37e and User Viewing History Object 37f for the new user. User Object 37a records the user-provided name and password used to create the cookie. User Session Object 37d records the login time. User Action History Object 37e records the selection activity of the user. The User Viewing History Object 37f also registers the open and leave times for the initial login advertisement screen view and notes what elements were displayed at that time. Also the Ad Package Object 33b responsible for the initial login advertisement screen view records a "hit" by the new user" (col 14, lines 10-25).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Gerace's dynamic identifiers related to content provided to a user to Angle's identifiers and preference information and targeting of content. One would have been motivated to do this in order to better present content of interest to the user.

Hence, the combination of the prior art renders obvious the features of the Applicant's claims.

Examiner notes that while specific references were made to the prior art, it is actually also the prior art in its entirety and the combination of the prior art in its entirety that is being referred to. Also, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

### *Conclusion*

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a) Johnson (5,813,009) discloses storing invalid requests for information in a database (Fig. 1b; Fig. 3; Fig. 7; Fig. 6; and below):

“(124) If the request for information is rejected during the card/terminal operation, the access card holder will receive a "Not Authorized" message, and the invalid access attempt will be updated on the access card database. If a sufficient number of invalid access attempts are made using any single card, the card will also be invalidated for access until a revalidation routine is performed on the card by an authorized agency.

(134) Information requests not within the card bearer's authority will receive a "not authorized" message and the invalid access attempt will be updated (block 39) to card database 38”;

b) Callaghan (5,737,523) discloses storing invalid requests for information in a database:

“(25) In some implementations, the NFS server 200 may respond to in authentic NFS clients with more severe security measures. By way of example, the NFS server 200 may record in a file and/or on a system terminal that an unauthenticated NFS request 22 was received from NFS client 12. Depending upon the circumstances, the NFS server 200 may determine that the NFS client 12 is attacking and preclude the NFS client 12 from making further NFS requests. One embodiment of step 436 will be described below in more detail with reference to FIG. 10.

(28) Once the export information table 222 has been searched in step 454, a step 456 determines whether the given file system 30 was found in the export information table 222. The given file system 30 is only present in the export information table 222 when the NFS server 200 is making the given file system 30 accessible for sharing. When the given file system 30 is not found in search step 454, control is passed to a step 458 which returns an error message to the NFS client 12. In some embodiments of the present invention, additional or different security measures may be performed. As described above with reference to FIG. 9, these include logging a message on the system terminal, maintaining a file record of unauthenticated client requests, and/or precluding operation of future NFS requests by the NFS client 12”;

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c) Pines (2005/0143064) discloses storing invalid requests for information in a database:

“[0119] As illustrated in FIG. 5D, those requested changes which cannot be implemented are stored in Rejected Updated Listings Tables 52D along with a reason for the rejection, for example, that the user is an invalid user, and/or that the requested changes is a duplicate, and the like”;

d) Wagener (5,793,028) discloses storing invalid requests for information in a database.

This is a RCE of applicant's earlier Application No. 09/821,259. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571) 272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arthur Duran  
Primary Examiner  
3/30/2006